RE: 68 CLAUDE ROAD, MANCHESTER

OBJECTION TO APPLICATION FOR PLANNING PERMISSION

BY [redacted]

OWNERS OF 70 CLAUDE ROAD

1. These are representations in respect of amended planning application 1217013/FH/2020 for the,
   "Erection of a two storey outbuilding following demolition of existing outbuilding".

2. The application has been amended, and, as we now understand it, seeks approval for the development shown in plans 420/10, 420/11 and 420/12.

3. Notwithstanding these amendments, it remains the case that we strongly object to the proposals. In summary, this is because the revised proposals would cause significant harm to our **residential amenity**.

4. We note that the Applicant did not consult or inform us of the either the proposed or amended plans prior to submission of, or revision of, the application, and further that our neighbour and his architect has not been prepared to engage in constructive discussions in respect of their plans despite our attempts do so. This is contrary to the advice in paragraphs 39 – 40 NPPF, and also paragraph 128 NPPF, which states,

   "Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."

Objections

(i) Introduction

5. In our previous objection, I explained that the existing garage that is proposed to be demolished and rebuilt did not have planning permission or consent for demolition (please note that the whole of the previous garage was demolished before being rebuilt without consent). Whilst a Lawful Development Certificate has been issued in

respect of the failure to obtain planning permission for the construction of the existing building, it is of course the case that immunity cannot be obtained in respect of the failure to obtain consent for the demolition of the entirety of the previous building[1]. Given that the demolition of the previous building was unlawful, it remains open to the LPA to take enforcement action to remedy the situation and require the reinstatement of an appropriate building on the previous footprint (the end elevation of the previous building that was demolished without consent extended to the end of our existing adjacent amenity space). The impact of the existing building, or its potential use, is not therefore a material consideration in the determination of the current application.

6. In any case, the existing building is a garage, and has been used as such by both the previous occupant (who had a number of vehicles that he kept within it) and the current occupant (who uses it for domestic storage). The proposals before the LPA essentially create a self - contained annexe building comprising a bathroom, two bedrooms, sitting room and hall way. The only primary accommodation missing is a kitchen, but there is sufficient space in the proposed sitting room to install a kitchenette, which would not require further planning permission. There is a completely separate access to the proposed annexe. There is no indication that this quantum or form of living accommodation now proposed could be provided in the existing garage having regard to space and structural constraints.

7. The granting of planning permission, and the proposed use of the annexe will therefore lead to a significant intensification of use of the building on this site, with increased comings and goings of up to four people that could be accommodated in the two double bedrooms, with the majority of their primary living accommodation provided within the annexe building.

8. We do not consider that the impact of these proposals are acceptable in planning terms, and further, we consider that the proposal will cause significant harm to our residential amenity and privacy for the reasons set out below.

[1] See Section 171B 2A TCPA "there is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition within the meaning of 196D", and S196D TCPA: restriction on relevant demolition of unlisted buildings in Conservation Areas.

(i) Residential Amenity: Access arrangements to the annexe

9. The access to the proposed annexe is taken along our narrow shared driveway, via a large "fully glazed" door. This is unacceptable in planning terms.

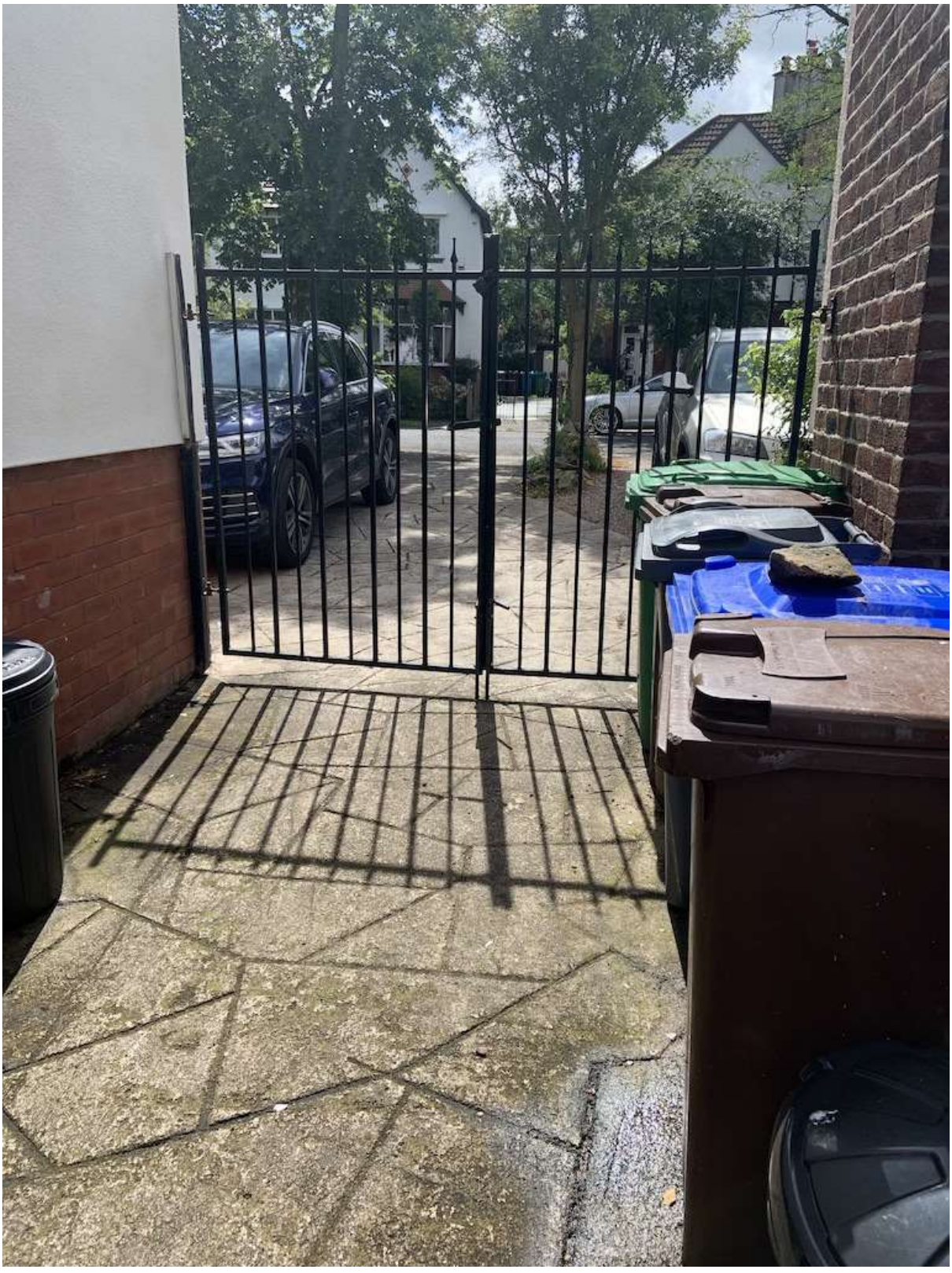
10. Firstly, the proposed annexe, with two double bedrooms, is designed to accommodate up to four people. The proposed access to the annexe is completely separate to the main dwelling (there is a fence between the proposed building and the Applicant's garden – see photos below). The annexe will, with its near complete suite of primary accommodation, effectively function as a self – contained unit of accommodation.

11. Occupiers seeking to access the self - contained annexe are unlikely to walk through the main dwelling house. This is because, to obtain access to the annexe through the house, they would be required to walk through the hall, through the kitchen to the rear, across the Applicant's decking, through the Applicant's gate, and into the annexe. See floor plan of ground floor of dwelling below (taken from sales particulars on rightmove):



Instead, occupants of the annexe will access it using the most direct route, namely our shared drive. There will therefore be significant comings and goings along this narrow shared drive.

12. As I have previously noted, the distance between our fence and our neighbour's is narrow at approximately 3 metres. Our patio area is immediately adjacent to that narrow 3m drive. The increase in footfall of up to 4 individuals using the annexe as primary accommodation, on this narrow driveway and in close proximity to our fence, will cause noise, disturbance and a significant loss of amenity to our private amenity space. The position is compounded because the drive is accessed through a shared iron gate installed for security purposes, which makes a "clanging" noise when opened and closed. See Photo 1 and 2 below.





13. In addition, there will also be a significant loss of privacy. There are direct views from the shared drive into our private amenity space / patio, which we use for dining and seating, and which my children use to play. The increased comings and goings

associated with this 2 bedroom annexe, will cause harm to our residential amenity by reducing the privacy to our garden/ patio area. See photos 3, 4 and 5 below:

Photo 3:



Photo 4:



Photo 5:



14. There are also direct views into our kitchen and internal dining space from the shared drive. The increased comings and goings associated with the proposal will cause significant harm to our residential amenity, by facilitating direct views into our primary accommodation. See photo 6 (photo from kitchen) and photo 7 (from dining space) below:

Photo 6 and 7:





15. The position will be exacerbated because the proposed access is a large, fully glazed door. This is unacceptable in this location as it will exacerbate the privacy issues set out above.

16. Further, both we and our neighbours (the Applicant) use the shared driveway for bin storage. Placing the principal access, which is a fully glazed door, in close proximity to the bin storage area does not create an adequate standard of amenity for the proposed occupiers either. See photo 8 below:



17. We appreciate that there is an existing door to the garage leading onto the shared drive. However, the nature of the building on site at present is completely different. It is a garage, with garage doors, and has only ever (in the 15 years that we have lived

here) been used for the parking of vehicles and domestic storage. Accordingly, the comings and goings associated with it are irregular, and what one would expect from the use of a garage in a residential area. The increase in the intensity of use of the building will have a wholly different impact in planning terms, and will cause significant harm to our residential amenity.

18. Essentially, as a result of the accommodation proposed and its separate access arrangements, this proposal will have a similar effect in planning terms to a small new dwelling on the site of the existing garage. Policy DC6.1 of the UDP deals with "residential development" (which this is) on backland sites. It sets out that the Council,

    "will not normally grant consent for residential development on "backland" sites or sites with limited access to a road because they are surrounded by housing or other uses".

    Further, pursuant to DC6.2 development will not be permitted unless there is no loss of privacy to adjoining dwellings and associated rear gardens. The reasoned justification explains that,

    "Some pieces of land with apparent development potential are surrounded by existing buildings (usually houses) and only have very limited access to a road. Experience shows that these sites are often very difficult to develop in a way which avoids serious impact on neighbouring residents. All the tests set out in the policy would be applied before planning permission could be considered".

    These comments apply here, and the proposal is contrary to DC6.1 and DC6.2 UDP. In addition, the proposal is contrary to policies DC1.1(b) and DC1.2, which seek to safeguard adequate amenity and privacy for neighbouring occupiers.

19. We assume that these inadequate access arrangements are proposed because the only alternative access that would currently be possible is to the side elevation to the Applicant's garden. That would be the logical position for an access to an annexe that is genuinely intended to be ancillary accommodation to the main house, since all comings and goings would be confined to within the Applicant's own boundary, and there would be more prospect of the annexe being truly occupied as an ancillary unit as opposed to a separate dwelling with its own independent access. However, the

Applicant has constructed decking to that elevation without the benefit of planning permission, and which remains amenable to enforcement (since it was constructed since 2019). We assume that the reason that access is not proposed to that elevation is because to do so would mean that access was taken to an unauthorised structure, which could prove problematic if the LPA were to refuse to authorise it in the future (or were to take enforcement action against it).

20. However, the fact that the Applicant has chosen, without planning permission, to construct substantial area of decking which is now amenable to enforcement, is not a good reason to promote a proposal that will significantly harm our privacy and residential amenity on a permanent basis. It is for the Applicant to regularise the unauthorised decking, and then, if he wishes to promote a scheme to convert the garage, to design a high quality scheme with appropriate access arrangements, that adequately safeguards the residential amenity of his neighbours. The Applicant has singularly failed to do so.

(ii) Harm to amenity: Overlooking / location of rear window

21. We object to the provision of a large window to the gable end of the proposal, which will overlook our garden and cause harm to our residential amenity by reducing the privacy of our garden.

22. There is already a window to the existing garage to the gable end of the garage. This is already in close proximity to, and overlooks, our private back garden, in proximity to where our children play on the trampoline and swings. Photo 9 is a photo from within our back garden. Photo 10 is a photo from around the swings / slides, and Photo 11 is a photo taken from the vicinity of the trampoline (note, you can see into the building from various angles as illustrated on the photographs below).

Photo 9:



Photo 10:



Photo 11:



23. The existing garage was unauthorised, being constructed without planning permission, and the impact of this window is already unacceptable. However, the proposals would significantly compound and exacerbate the situation.

24. This is because, at present, the garage is used for ancillary purposes consistent with what one would expect of this form of accommodation (previously parking of vehicles, now storage etc). The use of that area is therefore occasional, and the window does not have a significant function in respect of outlook or amenity (being to a garage / storage area).

25. In contrast, the proposed window is to a bedroom or primary living space, and there will self - evidently be an intensification of the use of that space. Further, this is the only main window to that room (the others are roof lights), which itself is primary living accommodation. The proposed window would have a significant function in providing the only outlook to that room. This creates much greater impacts in respect of overlooking. The height of the window will also be raised, potentially increasing the issue with overlooking. The proposed bedroom window will overlook our garden, in particular the area that our children use regularly as private play space, and will harm our residential amenity and privacy.

26. The proposal is therefore also contrary to policies DC1.1 (b), DC1.2, DC6.1 and DC6.2 on this basis.

(3) Harm to amenity: Position of primary living accommodation

27. It appears from the plans that part of the bedroom accommodation will be located directly on the boundary adjacent to our patio area, which we regularly use for outside dining and relaxation, including the playing of music including, in the summer, in the evening. See photo 12 below:



28. The proposed positioning of a bedroom directly adjacent to this area is unacceptable. In particular, the quiet enjoyment of the proposed bedroom accommodation, directly on the boundary of our amenity space, is not compatible with the continued lawful

and natural use of our private amenity space for seating, open air dining, entertaining etc. We are not aware that any specific mitigation proposals are contemplated by the Applicant to address this issue.

29. Further, the remainder of the bedroom to the first floor and the sitting room to the ground floor are also directly to the boundary of our property. Our children play football in the garden directly adjacent to this area (see bald patch of grass on photo 13 below – which is an aerial photo taken from our loft), and the slides and trampoline and den building kit (in the black bin on the photo) are also in this area:



30. Again, the positioning of primary bedroom and sitting room accommodation right to the boundary of our garden is not compatible with the natural use of our garden space. The natural and lawful use of our garden is likely to lead to disturbance to the quiet

enjoyment of the proposed bedroom and sitting room, which are noise sensitive receptors, and where peace and quiet are usually required. Again, we are not aware of any mitigation proposals that the Applicant has advanced to deal with this issue.

31. The proposals are not, therefore, compatible with the existing use of our garden as private amenity space, and are unacceptable on that basis. The proposals are contrary to the provisions of the development plan as set out above.

Conclusion

32. As we have previously indicated, we do not object to our neighbour extending his property as a matter of principle. However, this this remains a poorly designed and poorly conceived scheme. No adequate thought has been given to the impact on our amenity space.

33. The construction of the existing garage was unlawful, being constructed without planning permission. However, it has always functioned as a garage. The Applicant should not be permitted to compound and exacerbate the existing planning harm occasioned by achieving consent for an annexe, including bedroom accommodation and most of the facilities necessary for day to day living, directly adjacent to our garden / boundary, and with a single access from our narrow shared drive. The proposed annexe will effectively function as a single dwelling house. In any event, the proposals will occasion a significant intensification of use of our shared drive, will harm our residential amenity, will create significant overlooking issues/loss of privacy to both the top of our garden (patio area) and garden, internal kitchen and dining space, and will introduce non compatible noise sensitive uses directly adjacent to our boundary.

34. It therefore remains the case that we strongly object to this application, and request that planning permission is refused accordingly.

Conditions

35. Notwithstanding the above, if the Council is minded to grant planning permission, we would request that the following conditions are imposed:

(i) The proposed development shall only be used as ancillary accommodation to the main dwelling house, and shall not be used as an independent dwelling house, as holiday accommodation/ for short term lets, or for any other purpose. This is necessary because, as set out above, the proposals contain most of the day to day facilities for independent occupation (a kitchenette could easily be added subsequently without planning permission), and has a completely separate access to the main dwelling. Without this condition, the proposal could be used as an independent house, rental, or holiday/ AirBnB accommodation, which would be completely unacceptable and inappropriate in this location. Further and in any event, it is not clear from the description of development that the proposal is not for an independent dwelling house, and this must therefore be clarified and secured by condition.

(ii) Notwithstanding the details shown on the proposed plans, the access to the premises shall not be glazed. Details of materials to be used to be submitted and agreed by the LPA. Alternatively, obscured glazing to be required. This is necessary to mitigate the harm to residential amenity identified above.

(iii) Obscured glazing to be used to the window of the rear gable. This is necessary to mitigate the overlooking issues identified above.

(iv) The development is in close proximity to the boundary of our property, and we are concerned that a gap will be created by the proposed scheme, which will be a safety hazard for our children. The Applicant should be required to make provision for this during construction, and to make good the boundary following construction, for example by the submission of a scheme to secure the same prior to commencement of development.

(v) There will be proposed building work right along our boundary. We have young children. If planning permission is granted, we request conditions controlling working hours so that this does not take place at weekends, bank holidays, or during early morning or evenings.

Conclusion

36. We regret to say that we must continue to **strongly object** to planning permission being granted for this particular proposal.

37. We are aware that Officers have already undertaken a site visit. We would, of course, be more than happy to facilitate a socially distanced site visit for Officers (in view of the Covid – 19 crisis) if they consider it necessary in light of the new proposals. As previously, access can be granted around the side of the house, with no need to enter the inside of our property.

18th August 2020

[redacted]
[redacted] Claude Rd
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